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 18 REED, and COASTAL PROTECTION  
 RANGERS, INC.  
 19

20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
 22

23 CORY SPENCER, an individual;  
 24 DIANA MILENA REED, an  
 individual; and COASTAL  
 25 PROTECTION RANGERS, INC., a  
 26 California non-profit public benefit  
 corporation,  
 27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFFS' OBJECTIONS TO  
 DEFENDANTS CITY OF PALOS  
 VERDES ESTATES AND CHIEF OF  
 POLICE JEFF KEPLEY'S EVIDENCE  
 IN SUPPORT OF MOTION FOR  
 SUMMARY JUDGMENT OR, IN THE  
 ALTERNATIVE, SUMMARY  
 ADJUDICATION**

v.

LUNADA BAY BOYS; THE  
INDIVIDUAL MEMBERS OF THE  
LUNADA BAY BOYS, including but  
not limited to SANG LEE, BRANT  
BLAKEMAN, ALAN JOHNSTON  
AKA JALIAN JOHNSTON,  
MICHAEL RAE PAPAYANS,  
ANGELO FERRARA, FRANK  
FERRARA, CHARLIE FERRARA,  
and N. F.; CITY OF PALOS VERDES  
ESTATES; CHIEF OF POLICE JEFF  
KEPLEY, in his representative  
capacity; and DOES 1-10,

Defendants.

Judge: Hon. S. James Otero  
Date: September 5, 2017  
Time: 10:00 a.m.  
Crtrm.: 10C

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

Plaintiffs Cory Spencer, Diana Milena Reed and Coastal Protection Rangers, Inc. (collectively "Plaintiffs") object to the following evidence presented by Defendants City of Palos Verdes Estates and Chief of Police Jeff Kepley ("City Defendants") in connection with the City Defendants' Motion for Summary Judgment or, in the Alternative, Summary Adjudication set for hearing on September 5, 2017, before this Court.

**A. Objections To Exhibit C (Deposition of Cory Spencer) to The Declaration Of Christopher D. Glos In Support Of City Of Palos Verdes Estates And Chief Of Police Jeff Kepley's Motion For Summary Judgment Or, In The Alternative, Summary Adjudication And Exhibits Attached Thereto**

<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
1. Q: Okay. And the first sentence says (as read): "Sir, first of all, I'd like to thank you and your department for the response in extra patrols down at	1. This evidence is inadmissible because Mr. Spencer has not stated facts to establish that he has personal knowledge of whether the police department

<u>Evidence:</u>	<u>Objections:</u>
<p>1 Lunada Bay."</p> <p>2 A: Correct.</p> <p>3 Q: All right. Did you feel thankful for</p> <p>4 extra patrols down at Lunada Bay?</p> <p>5 A: Of course.</p> <p>6</p> <p>7</p> <p>8 Spencer Depo. 159:4-14.</p> <p>9</p>	<p>provided extra police patrols. FRE 602.</p>
<p>10 2. Q: All right. So, each time you E-</p> <p>11 mailed them, is it correct that you</p> <p>12 witnessed extra patrols being</p> <p>13 provided?</p> <p>14 A: Yes. In my opinion, that's what</p> <p>15 they were. The officers were there</p> <p>16 because, hopefully, in response to my</p> <p>17 E-mail.</p> <p>18</p> <p>19 Spencer Depo. 160:7-12.</p>	<p>2. This evidence is inadmissible because</p> <p>Mr. Spencer has not stated facts to</p> <p>establish that he has personal knowledge</p> <p>of whether the police department</p> <p>provided extra police patrols. FRE 602.</p>
<p>20 3. Q: You would agree that extra</p> <p>21 patrols were provided in January and</p> <p>22 February of 2016 when you asked for</p> <p>23 them; right?</p> <p>24 A: Wholeheartedly agree.</p> <p>25 Mr. Franklin: Vague and ambiguous;</p> <p>26 calls for speculation; move to strike.</p> <p>27 Ms. Hewitt: Did you move to strike,</p> <p>28</p>	<p>3. This evidence is inadmissible because</p> <p>Mr. Spencer has not stated facts to</p> <p>establish that he has personal knowledge</p> <p>of whether the police department</p> <p>provided extra police patrols. FRE 602.</p> <p>To the extent his testimony is based on</p> <p>what others told him, it is based on</p> <p>inadmissible hearsay. FRE 802.</p>

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2	counsel?	
3	Mr. Franklin: I did.	
4	Ms. Hewitt: On what basis?	
5	Mr. Franklin: Lack of foundation. It	
6	was vague and ambiguous and calls	
7	for speculation.	
8	Ms. Hewitt: Okay.	
9	Q: So is it true that you believe that	
10	extra patrols were provided at the	
11	January 2016 visit to Lunada Bay?	
12	Mr. Franklin: Same objection.	
13	A: I believe extra patrol was sent	
14	down there, yes.	
15	Q: All right. Same question for the	
16	February 2016 visit.	
17	Mr. Franklin: Same objection.	
18	A: Yes.	
19		
20	Spencer Depo. 193:20-194;17.	
21		

22 **B. Objections To Exhibit E (Deposition of Jeff Kepley) To Declaration Of**  
 23 **Christopher D. Glos In Support Of City Of Palos Verdes Estates And**  
 24 **Chief Of Police Jeff Kepley's Motion For Summary Judgment Or, In The**  
**Alternative, Summary Adjudication And Exhibits Attached Thereto**

25	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
26	4. Q: Okay. So did anyone from the	4. This testimony is inadmissible because
27	Palos Verdes Estates Police Department	Mr. Kepley does not state facts
28		

<u><b>Evidence:</b></u>	<u><b>Objections:</b></u>
<p>1</p> <p>2 make contact with local surfers?</p> <p>3 A: I believe they did.</p> <p>4 Q: Do you know who made that</p> <p>5 contact?</p> <p>6 A: No. Because it wasn't a singular</p> <p>7 contact. It was an ongoing effort. I</p> <p>8 know the captains were active. Many</p> <p>9 members of the staff were engaged</p> <p>10 down in Lunada Bay and contacted as</p> <p>11 many people as we could. I know it</p> <p>12 wasn't just one contact, but many.</p> <p>13 Q: When did this contact begin?</p> <p>14 A: Probably shortly following this</p> <p>15 email.</p> <p>16 Q: Was there not regular contact with</p> <p>17 local surfers before that?</p> <p>18 A: I don't know. I would characterize it</p> <p>19 as there was contact. But the degree to</p> <p>20 which it was considered regular, I just</p> <p>21 don't know.</p> <p>22 Q: Where did the contact generally</p> <p>23 occur? Was it at the beach or elsewhere</p> <p>24 in the community?</p> <p>25 A: That, I don't know. Beyond, I know</p> <p>26 that efforts were made to contact surfers</p> <p>27 down there that were surfing. And when</p> <p>28</p>	<p>demonstrating that he has personal</p> <p>knowledge of the Police Department's</p> <p>contacts with local surfers. FRE 602. To</p> <p>the extent Mr. Kepley is basing his</p> <p>testimony on what others told him, his</p> <p>testimony is based on inadmissible</p> <p>hearsay. FRE 802.</p>

<u><b>Evidence:</b></u>	<u><b>Objections:</b></u>
<p>1 I say down there, I'm referring to</p> <p>2 Lunada Bay.</p> <p>3 Q: Sure. Do you know what the content</p> <p>4 of the conversation was? In other</p> <p>5 words, did you have any discussions</p> <p>6 with the people in your department who</p> <p>7 were relaying this message to the</p> <p>8 surfers before they relayed the</p> <p>9 message? That's a yes or no question.</p> <p>10 Did you or did you not?</p> <p>11 A: Can you repeat that, please?</p> <p>12 Q: Sure. Do you know what the content</p> <p>13 of the conversation was between the</p> <p>14 officers and the local surfers?</p> <p>15 A: No.</p> <p>16 Q: Did you have any conversations</p> <p>17 with the officers before they engaged</p> <p>18 with the local surfers?</p> <p>19 A: Not all of the patrol officers. But the</p> <p>20 captains.</p> <p>21 Q: And what were those conversations?</p> <p>22 What did you—I'm sorry, let me start</p> <p>23 over. Did you give them any guidance</p> <p>24 as to what the conversations should be?</p> <p>25 A: I relayed my expectations, that I</p> <p>26 expect them to have their staff engage</p> <p>27</p> <p>28</p>	

1 <u>Evidence:</u>	<u>Objections:</u>
<p>2 and address this. I didn't go into</p> <p>3 extreme level of detail, because they are</p> <p>4 division commanders. They know</p> <p>5 what's to take place. All I did was give</p> <p>6 them direction.</p> <p>7 Q: What was the direction?</p> <p>8 A: To have officers proactively engage</p> <p>9 in this issue and attempt to resolve it by</p> <p>10 proactively engaging with the surfers,</p> <p>11 the community, being present, and extra</p> <p>12 patrols et cetera.</p> <p>13</p> <p>14 Kepley Depo. 35:10-37:13.</p> <p>15</p>	
<p>16 5. Q: So were you unaware of this</p> <p>17 history before you became chief?</p> <p>18 A: That's correct.</p> <p>19 Q: So you believe that a certain level of</p> <p>20 localism was tolerated before you</p> <p>21 become Chief?</p> <p>22 A: I think my understanding of</p> <p>23 localism, as we have established by</p> <p>24 definition, I believe occurs everywhere</p> <p>25 around the world where there is surf and</p> <p>26 surfing. And I believe that also</p> <p>27 occurred in Lunada Bay as part of this</p> <p>28</p>	<p>5. This testimony is inadmissible because</p> <p>Mr. Kepley does not state facts</p> <p>demonstrating that he has personal</p> <p>knowledge of what actions the Police</p> <p>Department took to combat localism prior</p> <p>to him being employed by the City.</p> <p>FRE 602. To the extent Mr. Kepley is</p> <p>basing his testimony on what others told</p> <p>him, his testimony is based on</p> <p>inadmissible hearsay. FRE 802.</p>

<u><b>Evidence:</b></u>	<u><b>Objections:</b></u>
<p>1 surfing culture. And so that's what I</p> <p>2 was trying to address.</p> <p>3 Q: Do you think it was tolerated by</p> <p>4 previous chiefs and previous</p> <p>5 administration, city council and the</p> <p>6 mayor?</p> <p>7 A: No, I had heard that there was that</p> <p>8 perception. But I was aware of the</p> <p>9 police department for many years</p> <p>10 working very proactively to address and</p> <p>11 combat localism and ensure safety</p> <p>12 down in Lunada Bay...</p> <p>13 Q: But you thought the police had done</p> <p>14 something about it in the past?</p> <p>15 A: well, I knew they had. Because I</p> <p>16 had, you know, seen files, and had</p> <p>17 talked to staff and learned as much as I</p> <p>18 could after this video came out. And so</p> <p>19 I knew the police department had done</p> <p>20 some very good work in the past on</p> <p>21 this.</p> <p>22 Q: And you said you spoke with</p> <p>23 community members and others in the</p> <p>24 department to learn the history about</p> <p>25 the issue of localism at Lunada Bay; is</p> <p>26 that right?</p> <p>27</p> <p>28</p>	



1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2	A: Yes.	
3		
4	Kepley Depo. 52:6-53:1; 53:11-21.	
5		
6	6. Q: Do you know if the arrest	6. This testimony is inadmissible because
7	resulted in a conviction?	Mr. Kepley does not state facts
8	A: It did not.	demonstrating that he has personal
9	Q: Why was that?	knowledge of why the arrestee was not
10	A: The district attorney refused or	convicted of a crime. FRE 602. To the
11	declined to file charges or prosecute the	extent Mr. Kepley is basing his testimony
12	case.	on a briefing he received from other
13	Q: Do you know why the district	officers or the District Attorney, his
14	attorney declined?	testimony is based on inadmissible
15	A: It's my understanding that the	hearsay. FRE 802.
16	totality of the information that was	
17	presented to the district attorney	
18	included some witness statements that	
19	refuted the victim's account of the way	
20	in which incidents occurred on that	
21	particular day.	
22		
23	Kepley Depo. 55:25-56:11.	
24		
25	7. Q: Was anything else done in	7. This testimony is inadmissible because
26	addition to occasional police patrols to	Mr. Kepley does not state facts
27	ensure the safety of Lunada Bay?	demonstrating that he has personal
28	A: Yes, but I don't want to minimize	knowledge of how many times police

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2	the benefit or value of those extra	officers have parked and stood over and
3	patrols. Because we have, over 500	looked down the ledge to the surfers to
4	times, a police officer has parked and	provide oversight, in what locations they
5	stood over and looked down the ledge	allegedly do that, and what fliers these
6	to the surfers to provide oversight and	officers may or may not have handed out.
7	police the area, if you will.	FRE 602.
8	And so we did that, and continue to do	
9	that. And not just in Lunada Bay, but all	
10	of our coastline surf areas. We also	
11	produced a cardboard flier, if you will,	
12	that encouraged surfers or others to feel	
13	comfortable and report crimes or	
14	incidents that may have occurred in the	
15	surfing areas.	
16		
17	Kepley Depo. 97:14-98:2	
18		
19	8. Q: was there anything else?	8. This testimony is inadmissible because
20	A: We parked a police car in the area of	Mr. Kepley does not state facts
21	Lunada Bay with the LED display	demonstrating that he has personal
22	message in the rear window that	knowledge a police car being parked in
23	displayed a similar localism message	Lunada Bay or what complaints the
24	requesting anyone with information, or	department has received historically.
25	had been victimized, or otherwise had	FRE 602.
26	incidents occur to them, we encouraged	
27	them to report it to the police	
28		

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2	department. Again, we historically	
3	have had very few reports. Here, these	
4	things happen. So we are trying to	
5	encourage those to be reported so that	
6	we can investigate them and ensure	
7	public safety.	
8		
9	Kepley Depo. 98:3-13.	
10		
11	9. Q: I'm just following up. When you	9. This testimony is inadmissible because
12	say it happened about 500 times where	Mr. Kepley does not state facts
13	the police officers have gone out there	demonstrating that he has personal
14	and pated on the ledge and patrolled the	knowledge of what his officers were doing
15	bluffs. I'm wondering, you said 500	outside his presence or what they were
16	times, what's the time frame for that.	doing to patrol Lunada Bay, let alone how
17	A: That would be since The Guardian	many times they did so or the timeframe
18	video, whatever date that was, and this	for doing so. FRE 602.
19	became an identified issue for us today.	
20	And further, with respect to time frame,	
21	those occurred throughout each day.	
22	Not once per day. Sometimes, multiple	
23	times per day. Obviously during	
24	daytime hours, when there is some	
25	benefit to look over the ledge and see	
26	who might be down below. It's not	
27	lighted at night.	
28		

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2		
3	Kepley Depo. 98:20-99:7.	
4		
5	10.Q: Do you know if officers went	10.This testimony is inadmissible because
6	down to the beach on any of those	Mr. Kepley does not state facts
7	occasions?	demonstrating that he has personal
8	A: Yes.	knowledge of what his officers were doing
9	Q: Do you know, approximately, how	outside his presence or what they were
10	many times they would do that? Was it	doing to patrol Lunada Bay, let alone how
11	more typical for them to just stand at	many times they did so. FRE 602. This
12	the top? Or would they go down every	testimony is also based on inadmissible
13	time?	hearsay. FRE 802.
14	A: It's more typical for them to stand at	
15	the top. They have gone down to the	
16	beach. I don't know how many times.	
17		
18	Kepley Depo. 99:8-16.	
19		
20	11.Q: Now you said that you also had	11.This testimony is inadmissible because
21	officers distributing cards to encourage	Mr. Kepley does not state facts
22	surfers to report crimes. When did that	demonstrating that he has personal
23	happen?	knowledge of what the officers did with
24	A: About the same time that this	the fliers. FRE 602. Furthermore, this
25	became---we became aware of as a	testimony is also based on inadmissible
26	result of The Guardian video, we	hearsay. FRE 802.
27	formulated somewhat of a response	
28		

<u>Evidence:</u>	<u>Objections:</u>
<p>1 plan. And that was included in that</p> <p>2 response plan.</p> <p>3 Q: Do you know how many cards were</p> <p>4 distributed?</p> <p>5 A: Hundreds. But I don't know how</p> <p>6 many.</p> <p>7 Q: Do you know on how many</p> <p>8 occasions they were distributed?</p> <p>9 A: I do not. Because they were</p> <p>10 distributed to the police officers to pass</p> <p>11 out to folks in the community when</p> <p>12 they were on their patrols and doing</p> <p>13 their bay checks. So I don't. I never</p> <p>14 received a report of how many per day</p> <p>15 or per month were passed out.</p> <p>16</p> <p>17</p> <p>18 Kepley Depo. 99:17-100:7.</p> <p>19</p>	
<p>20 12.Q: You also referenced results of</p> <p>21 the patrol checks as part of your belief</p> <p>22 that perhaps there is media hype to this</p> <p>23 issue. What were the results of the</p> <p>24 patrol checks that led you to believe</p> <p>25 this.</p> <p>26 A: Well, at some point in time, fairly</p> <p>27 recently, within the last six months or</p> <p>28</p>	<p>12.This testimony is inadmissible because</p> <p>it is based on inadmissible hearsay in that</p> <p>Chief Kepley is discussing a report that he</p> <p>reviewed. FRE 802. This testimony is</p> <p>also inadmissible because an original</p> <p>writing – here, the report referenced by</p> <p>Chief Kepley – is required in order to</p> <p>prove its content. FRE 1002.</p>

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2	so, I received a report that our patrol	
3	officers had checked the bay 400 times	
4	and have not had any, during those	
5	incidents, had not had one incident	
6	where they observed suspicious or	
7	criminal activity, or had anything	
8	reported to them.	
9		
10	Kepley Depo. 109:21-110:12.	
11		
12	13.Q: Has the city made any other	13.This testimony is inadmissible because
13	efforts, aside from posting this message,	Mr. Kepley does not state facts
14	handing out the cards that we discussed,	demonstrating that he has personal
15	to distribute the message regarding	knowledge of the facts on which he bases
16	localism and how it won't be tolerated	his opinion. FRE 602. As a result, his
17	at Palos Verdes Estates?	testimony in the form of an opinion is
18	A: And the LED message board.	inadmissible. FRE 701.
19	Q: Yes. Thank you.	
20	A: There may be other components of	
21	our public outreach campaign. Off the	
22	top of my head, that seems to be most	
23	of them. And I think, to me, it's	
24	commensurate with the issue at hand.	
25	Meaning that, with so few incidents	
26	occurring down there, and with the	
27	burglary spree, and everything else we	
28		

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2	were doing, I think our efforts were	
3	appropriate and reasonable in scope and	
4	size.	
5		
6	Kepley Depo. 114:21-115:9.	
7		
8	14.Q: And have you given any	14.This testimony is inadmissible because
9	direction, to any officers, regarding	it lacks foundation. Chief Kepley does not
10	enforcement of this ordinance as it	state facts demonstrating that he has
11	relates to any alcohol consumption on	personal knowledge of the fact that his
12	that structure?	expectation with respect to enforcement of
13	A: I don't recall giving any, like	the municipal code was ever
14	additional direction, above and beyond	communicated to any police officers.
15	what we normally expect them to do,	FRE 602.
16	which is enforce the municipal code.	
17		
18	Kepley Depo. 143: 13-18.	
19		
20	15.Q: To your knowledge the	15.This testimony is inadmissible to the
21	department doesn't keep any sort of	extent Chief Kepley is basing his
22	database or file on known or any known	testimony on a briefing he received from
23	suspects who are members of the bay	other officers, and is therefore considered
24	boys?	inadmissible hearsay. FRE 802.
25	A: that's correct.	
26		
27	Kepley Depo. 153:10-13.	
28		

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2		
3	16.Q: Now, at the third paragraph, on	16.This testimony is inadmissible because
4	that first page, you acknowledge that	Mr. Kepley does not state facts
5	the police department has dealt with	demonstrating that he has personal
6	localism in the early '90s. And you	knowledge of what actions the Police
7	described the complaints—the types of	Department took to combat localism prior
8	complaints that were received. Looking	to him being employed by the City.
9	at this paragraph, and the type of	FRE 602. To the extent Mr. Kepley is
10	complaints, do those seem similar to the	basing his testimony on what others told
11	complaints that have been received	him, his testimony is based on
12	more recently from your department?	inadmissible hearsay. FRE 802.
13	A: Yes and no. I made reference to	
14	letting the sir out of the tires. That	
15	wasn't a recent complaint. That was in	
16	the past. But stealing property, no, but	
17	we did have property damage. So	
18	similar, but not quite the same.	
19	Q: And you outline measures that the	
20	department has taken to address	
21	localism in Lunada Bay, including extra	
22	patrol on high surf days, using ATVs,	
23	having officers dress in plain clothes	
24	and interact with cliffs and bluffs,	
25	undercover operations and boat patrols.	
26	Are any of these measures currently	
27	employed by your department to	
28		



1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2	address localism?	
3	A: No. These measures were in that	
4	period of time.	
5		
6	Kepley Depo. 210:18-211:10.	
7		
8	17.Kepley Deposition, Exhibit 4.	17.This testimony is inadmissible to the
9		extent Chief Kepley discusses matters for
10		which he lacks personal knowledge. For
11		instance, page 2 of this exhibit (Bates
12		CITY 1083), Chief Kepley lists the steps
13		that have been purportedly taken to
14		improve safety, though he does not state
15		facts demonstrating that he has personal
16		knowledge of the fact that these steps have
17		indeed been taken. See Kepley Depo.
18		62:2-21, Exh. 4. Furthermore, the exhibit
19		itself is inadmissible hearsay and contains
20		inadmissible hearsay. FRE 802.
21	18.Kepley Deposition, Exhibit 11.	18.This testimony is inadmissible because
22		Mr. Kepley does not state facts
23		demonstrating that he has personal
24		knowledge of the statements included in
25		Exhibit 11. Furthermore, the exhibit itself
26		is inadmissible hearsay and contains
27		inadmissible hearsay. FRE 802.
28		

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2	19.Kepley Deposition, Exhibit 13.	19.This testimony is inadmissible because
3		Mr. Kepley does not state facts
4		demonstrating that he has personal
5		knowledge of the statements included in
6		Exhibit 13. Furthermore, the exhibit itself
7		is inadmissible hearsay and contains
8		inadmissible hearsay. FRE 802.

9

10 **C. Objections Exhibit F (Deposition of Anton Dahlerbruch) To Declaration**

11 **Of Christopher D. Glos In Support Of City Of Palos Verdes Estates And**

12 **Chief Of Police Jeff Kepley's Motion For Summary Judgment Or, In The**

13 **Alternative, Summary Adjudication And Exhibits Attached Thereto**

13	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
14	20. A: We spent a significant amount	20.This testimony is inadmissible
15	of time trying to understand what the	because Mr. Dahlerbruch does not state
16	situation was and collected and had	facts demonstrating that he has personal
17	meetings and collected information,	knowledge of what the City did with
18	collected verbal information from	respect to localism. To the extent Mr.
19	people to have an understanding of	Dahlerbruch bases his testimony on a
20	what the concerns are. And I don't,	briefing he received from others, his
21	and part of that may have been before,	testimony is inadmissible hearsay.
22	during or after the website was	FRE 802.
23	updated. And I just don't remember	
24	the dates.	
25		
26	Dahlerbruch Depo. (11/18/16) 69:22-	
27	70:7.	

1 <u>Evidence:</u>	<u>Objections:</u>
<p>2 21.Q: And prior to trying to</p> <p>3 understand the issue with Surf Rider,</p> <p>4 the Coastal Commission, Heal The</p> <p>5 Bay, and the Lunada Bay</p> <p>6 Homeowner's Association, have you</p> <p>7 done any other independent</p> <p>8 investigation in terms of the issue of</p> <p>9 localism?</p> <p>10 A: I have walked down there.</p> <p>11 Q: When did you walk down there</p> <p>12 after this in terms of localism being an</p> <p>13 issue, when did you walk down there?</p> <p>14 A: I don't have the dates.</p> <p>15 Q: Was it this year of 2016?</p> <p>16 A: I've been down there in 2016, yes.</p> <p>17 Q: Would those be on your calendar,</p> <p>18 too, in terms of walking down there?</p> <p>19 A: I don't know that they would be.</p> <p>20 Q: In terms of trying to understand</p> <p>21 the issue, did you go down and talk to</p> <p>22 any surfers down there or beach</p> <p>23 goers?</p> <p>24 A: Yeah, I have.</p> <p>25 Q: Who did you talk to?</p> <p>26 A: I don't remember their names.</p> <p>27 Q: Do you remember -- you don't</p> <p>28</p>	<p>21.This testimony is inadmissible to the extent it purports to offer for the truth of the matter asserted hearsay statements made by local beachgoers. FRE 802.</p>

<u>Evidence:</u>	<u>Objections:</u>
<p>1 remember any of their names?</p> <p>2</p> <p>3 A: No.</p> <p>4 Q: Did you take any notes of who you</p> <p>5 talked to?</p> <p>6 A: No.</p> <p>7 Q: And what was the discussion that</p> <p>8 you had with them?</p> <p>9 A: Just learning about or hearing</p> <p>10 about their perception of what's going</p> <p>11 on.</p> <p>12 Q: And what was their perception?</p> <p>13 A: Their perceptions were that the</p> <p>14 space down at the coastline is</p> <p>15 available for everybody.</p> <p>16 Q: Anything else?</p> <p>17 A: No.</p> <p>18</p> <p>19 Dahlerbruch Depo. (11/18/16) 71:14-</p> <p>20 72:23.</p> <p>21</p>	
<p>22 22.Q: And what was the discussion</p> <p>23 that you had with them?</p> <p>24 A: Just learning about or hearing</p> <p>25 about their perception of what's going</p> <p>26 on.</p> <p>27 Q: And what was their perception?</p> <p>28</p>	<p>22.This testimony is inadmissible to the extent it purports to offer for the truth of the matter asserted hearsay statements made by local beachgoers. FRE 802.</p>

<u>Evidence:</u>	<u>Objections:</u>
<p>1</p> <p>2 A: Their perceptions were that the</p> <p>3 space down at the coastline is</p> <p>4 available for everybody.</p> <p>5 Q: Anything else?</p> <p>6 A: No.</p> <p>7</p> <p>8 Dahlerbruch Depo. (11/18/16) 72:15-</p> <p>9 23.</p> <p>10</p>	
<p>11 23.Q: And the Coastal Commission</p> <p>12 how many times, what did the Coastal</p> <p>13 Commission, what do you recall of</p> <p>14 that meeting and their interests and the</p> <p>15 issue of localism?</p> <p>16 A: They were interested in the patio</p> <p>17 structure.</p> <p>18</p> <p>19 Dahlerbruch Depo. (11/18/16) 74:16-</p> <p>20 19.</p> <p>21</p>	<p>23.This testimony is based on</p> <p>inadmissible hearsay. FRE 802.</p>
<p>22 24.Q: Did your staff have any</p> <p>23 telephone calls to your knowledge</p> <p>24 with the Coastal Commission</p> <p>25 following that first in-person meeting</p> <p>26 in Long Beach?</p> <p>27 A: I believe so.</p> <p>28</p>	<p>24.This evidence is inadmissible because</p> <p>Mr. Dahlerbruch does not state facts</p> <p>demonstrating that he has personal</p> <p>knowledge of whether his staff had</p> <p>telephone calls with the Coastal</p> <p>Commission. FRE 602.</p>

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2		
3	Dahlerbruch Depo. (11/18/16)	
4	96:10-13.	
5		
6	25.Q: Did the Coastal Commission	25.This testimony is based on
7	say that it had to be removed?	inadmissible hearsay. FRE 802.
8	A: They have consistently told us that	
9	the City Council has the option of	
10	permitting it or removing it.	
11		
12	Dahlerbruch Depo. (11/18/16) 106:7-	
13	10.	
14		
15	26.Q: And what did the, as part of	26.This testimony is based on
16	your listening tour, what did the	inadmissible hearsay. FRE 802.
17	Lunada Bay Homeowner's	
18	Association tell you; what did you	
19	gather from their sentiments?	
20	A: They were equally concerned	
21	about the behavior in the area and	
22	wanted it changed. They felt that the	
23	area is open to the public and wanted	
24	it that way. And they conveyed that to	
25	us. It's kind of the essence of what we	
26	are talking about.	
27		
28		

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2	Dahlerbruch Depo. (11/18/16) 124:14-	
3	22.	
4		
5	27.Q: What did you learn from Heal	27.This testimony is based on
6	the Bay meeting?	inadmissible hearsay. FRE 802.
7	A: They made suggestions about	
8	communicating with the public and	
9	more from a public relations	
10	perspective how we might illustrate to	
11	people through communications that,	
12	you know, the space is accessible to	
13	everybody and safe for everybody.	
14	And that ended up being the primary	
15	point of the discussion from their	
16	perspective.	
17		
18	Dahlerbruch Depo. (11/18/16) 113:3-	
19	11.	
20		

22 **D. Objections Exhibit H (Declaration of Mark Slatten) To Declaration Of**  
 23 **Christopher D. Glos In Support Of City Of Palos Verdes Estates And**  
 24 **Chief Of Police Jeff Kepley's Motion For Summary Judgment Or, In The**  
**Alternative, Summary Adjudication And Exhibits Attached Thereto**

25	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
26	28.A representative of CPR submitted	28.This testimony is inadmissible
27	a declaration in support of Plaintiffs'	because an original writing – here, the
28		

1	<b><u>Evidence:</u></b>	<b><u>Objections:</u></b>
2	motion for class certification;	Declaration of Mark Slatten – is required
3	however, that declaration did not	in order to prove its content. FRE 1002.
4	allege any harm specific to the	Mr. Glos's summary of its contents is not
5	declarant or CPR.	evidence and is inadmissible because the
6		City Defendants have not demonstrated
7	Declaration of Christopher D. Glos	that the writing he purports to summarize
8	(“Glos Decl.”), ¶9; Glos Decl.,	cannot be conveniently examined by the
9	Exhibit H.	Court, nor did the city Defendants make
10		the originals available for examination.
11		FRE 1006.

14 DATED: July 31, 2017

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17 By: /s/ Kurt A. Franklin

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